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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,715	12/21/2001	Claus Nicolaisen	1030.41015X00	6860

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,715

Applicant(s)

NICOLAISEN ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-28 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 8-13 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **17, 18, 26** and **27** are rejected under 35 U.S.C. 102(b) as being anticipated by McNelly, US Patent 5,550,754.

Regarding claim **17**, McNelley discloses a communication terminal (Fig. 8) provided with a camera (Fig. 8: 102) module wherein said camera could be controlled by a remote communication terminal during a call (Col. 6, lines 35-58; col. 8, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53).

Regarding claim **18**, McNelley discloses that the camera is controlled by a keypad or touch-pad (Fig. 8: 188) on said remote communication terminal during the call (Col. 19, lines 18-67; col. 20, lines 1-53).

Regarding claim **26**, McNelley discloses a method of enabling a user of a first communication terminal (Fig. 8) to control a camera module (Fig. 8: 102) included in a second communication terminal, during a call between said communication terminals wherein a user of said second communication terminal controls a camera module included in said first communication terminal (Col. 6, lines 35-58; col. 9, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53).

Regarding claim 27, McNelley discloses that the communication terminals are provided with a control unit that receives input from the other communication terminal (Col. 6, lines 35-58; col. 9, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Magnussen US 2002/0038986 A1.

Regarding claim 1, Britz discloses a communication terminal (Figs. 1 and 2) provided with a camera (Figs. 1: 115 and 2: 115) and a motor (Fig. 9: 901 and 902; fig. 10: 1001) wherein said motor is used to control the camera in said communication terminal (Col. 2, lines 9-39; col. 4, lines 37-57). Britz does not explicitly disclose the motor as a vibrator.

However, Magnussen teaches that vibratory motors can be used to position, pan, tilt or zoom remotely operated cameras, e.g., security cameras (Page 40, ¶ 0458).

Therefore, taking the combined teaching of Britz in view of Magnussen as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Britz by using a vibratory motor to control the camera in the communication terminal. The motivation to do so would enable the communication terminal to rotate the camera more efficiently since vibratory motors are smaller, less noisy and more precise as suggested by Magnussen (Page 1, ¶ 0002).

Regarding claim 2, the combination of Britz in view of Magnussen teaches that said vibrator turns said communication terminal and said camera to enable said camera to take a sequence of pictures (See Britz, col. 2, lines 9-39; col. 4, lines 37-57).

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Magnussen US 2002/0038986 A1 and further in view of Ando, US Patent 6,791,597.

Regarding claim 3, the combination of Britz in view of Magnussen fails to teach that the communication terminal has different settings for manual selection to enable turning of said communication terminal and camera on different support surfaces.

However, Ando teaches a visual telephone unit (Fig. 2) comprising a motor for rotating the camera (Fig. 2: 53) depending on the position of the phone when place on a surface, wherein the user can manually control said rotation by using a dial button (Fig. 2:57) (Col. 5, lines 23-42; col.14, lines 3-52).

Therefore, taking the combined teaching of Britz in view of Magnussen and further in view of Ando as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal by having a setting for manually controlling the rotation of the camera depending on the position of the phone when place on a surface. The motivation to do so would help the communication terminal to transmit images to a second terminal with a correct orientation when said terminal is in an inclined surface as suggested by Ando (Col. 1, lines 47-64).

Regarding claim 4, the combination of Britz in view of Magnussen and further in view of Ando as applied to claim 3, teaches that the communication terminal has

different settings to enable different amounts of rotation of said communication terminal and said camera. Grounds for rejecting claim 3 apply here.

6. Claims **5**, **6** and **28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 and Magnussen US 2002/0038986 A1 in view of Ando, US Patent 6,791,597 and further in view of Dunton, US Patent 6,304,284 B1.

Regarding claims **5** and **28**, the combination of Britz in view of Magnussen and further in view of Ando fails to teach that the communication terminal is further provided with software to form a single picture from said sequence of pictures.

However, Dunton teaches a method and apparatus for creating panoramic or surround images, wherein a camera (Fig. 1A: 104) is rotated by a motor (Fig. 3A: 328) so the camera capture images at different positions in order to create a composite image of said captured images (Col. 2, line 28 – col. 3, line 4; col. 4, lines 49-62).

Therefore, taking the combined teaching of Britz and Magnussen in view of Ando and further in view of Dunton as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal by making the camera rotate at different positions to capture multiple images to be combined to create a composite image. The motivation to do so would help the communication terminal to create panoramic and surround images as suggested by Dunton (Col. 2, lines 15-27).

Regarding claim **6**, the combination of Britz and Magnussen in view of Ando and further in view of Dunton teaches that the software enables the user to define settings of said picture (See Ando, col. 5, lines 23-42; col.14, lines 3-52, the user adjust the rotation of the picture by defining the inclination of the communication terminal).

7. Claims **7**, **24** and **25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Magnussen US 2002/0038986 A1 and further in view of Kuhn, US Patent 5,740,480.

Regarding claim **7**, the combination of Britz in view of Magnussen fails to teach that the vibrator controls the movement of a slide cover covering a camera lens in said camera.

However, Kuhn teaches a camera (Figs. 1 and 2) comprising a sliding cover to protect the camera lens (Fig. 2: 16), wherein said sliding cover is being driven between a first and a second position by a motor (Col. 4, lines 29-51).

Therefore, taking the combined teaching of Britz in view of Magnussen and further in view of Kuhn as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal by having a sliding cover being controlled by a motor. The motivation to do so would enable the communication terminal to protect the camera lens against any damage when the camera is not in use.

Regarding claim **24**, the combination of Britz in view of Magnussen and further in view of Kuhn as applied in claim **7**, teaches a method of enabling a user of a communication terminal provided with a camera, to control a camera protection, wherein said communication terminal is further provided with a vibrator that said user uses to move said camera protection between two positions. Therefore, grounds for rejecting claim **7** apply here.

Regarding claim **25**, the combination of Britz in view of Magnussen and further in view of Kuhn as applied in claim **7**, teaches that the camera protection is a cover and

Art Unit: 2612

that said cover is moved between an open and a closed position in relation to said camera. Therefore, grounds for rejecting claim 7 apply here.

8. Claims **14** and **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Magnussen US 2002/0038986 A1 and further in view of McNelley, US Patent 5,550,754.

Regarding claim **14**, the combination of Britz in view of Magnussen fails to teach that the camera can be controlled by a remote communication terminal during a call.

However, McNelley teaches a communication terminal (Fig. 1) comprising a camera (Fig. 8: 102) for teleconferencing wherein said camera is driven to different positions by a motor (Fig. 29: 358) and the position of said camera can be controlled by a remote communication terminal (Col. 6, lines 35-58; col. 9, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53).

Therefore, taking the combined teaching of Britz in view of Magnussen and further in view of McNelley as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal by controlling the camera operation by a remote communication terminal during a call. The motivation to do so would enable a user in a remote location to follow the user on the first location in the case the first user is walking.

Regarding claim **15**, the combination of Britz in view of Magnussen and further in view of McNelley as applied in claim 14 teaches that the camera is controlled by a keypad or touch-pad on said remote communication terminal during the call. Grounds for rejecting claim 14 apply here.



9. Claims **16** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 and Magnussen US 2002/0038986 A1 in view of McNelley, US Patent 5,550,754 and further in view of Alperovich, US 6,317,609 B1.

Regarding claim **16**, the combination of Britz in view of Magnussen and further in view of McNelley fails to teach that a USSD channel is used for transferring control signals of said camera.

However, Alperovich teaches a system for transporting digital speech and digital pictures (Fig. 4) wherein image data can be transferred between different communication terminals through an USSD (Unstructured Supplementary Service Data) channel (Col. 5, lines 9-29).

Therefore, taking the combined teaching of Britz and Magnussen in view of McNelley and further in view of Alperovich as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal by sending the images through an USSD (Unstructured Supplementary Service Data) channel. The motivation to do so would enable the communication terminal to have faster two-way transaction with the benefits of having shorter turnaround response times for interactive applications.

Regarding claim **20**, the combination of Britz in view of Magnussen as applied in claim 1 teaches that the vibrator turns the camera module of said communication terminal. Therefore, grounds for rejecting claim 1 apply here.

10. Claims **19**, **21-23** and **30-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelley, US Patent 5,550,754 in view of Magnussen US 2002/0038986 A1.

Regarding claims **19** and **30**, McNelley teaches a communication terminal (Fig. 1) comprising a camera (Fig. 8: 102) for teleconferencing wherein said camera is driven to different positions by a motor (Fig. 29: 358) and the position of said camera can be controlled by a remote communication terminal (Col. 6, lines 35-58; col. 9, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53). McNelley does not explicitly disclose motor as a vibrator.

However, Magnussen teaches that vibratory motors can be used to position, pan, tilt or zoom remotely operated cameras, e.g., security cameras (Page 40, ¶ 0458).

Therefore, taking the combined teaching of McNelley in view of Magnussen as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McNelley by using a vibratory motor to control the camera in the communication terminal. The motivation to do so would enable the communication terminal to rotate the camera more efficiently since vibratory motors are smaller, less noisy and more precise as suggested by Magnussen (Page 1, ¶ 0002).

Regarding claim **21**, McNelley discloses a method of enabling a user of a communication terminal provided with a camera (Fig. 8: 102) to control the operation of said camera. McNelley also discloses that the camera is driven to different positions by a motor (Fig. 29: 358) and the position of said camera can be controlled by a remote communication terminal (Col. 6, lines 35-58; col. 9, lines 10-18; col. 19, lines 18-67; col. 20, lines 1-53). McNelley does not teach that the motor is a vibrator.

However, Magnussen teaches that vibratory motors can be used to position, pan, tilt or zoom remotely operated cameras, e.g., security cameras (Page 40, ¶ 0458).

Therefore, taking the combined teaching of McNelley in view of Magnussen as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McNelley by using a vibratory motor to control the camera in the communication terminal. The motivation to do so would enable the communication terminal to rotate the camera more efficiently since vibratory motors are smaller, less noisy and more precise as suggested by Magnussen (Page 1, ¶ 0002).

Regarding claim **22**, the combination of McNelley in view of Magnussen teaches the same as in claim 21. Therefore, grounds for rejecting claim 21 apply here.

Regarding claims **23** and **32**, McNelley discloses that the user can set the turning speed of said communication terminal when the camera takes pictures (Col. 20, lines 1-20).

Regarding claim **31**, the combination of McNelley in view of Magnussen teaches the same as in claims 19 and 30. Therefore, grounds for rejecting claims 19 and 30 apply here.

***Allowable Subject Matter***

11. Claims **8-13** and **29** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

Regarding the prior art of records, neither anticipates nor renders obvious the limitations of having the motor of the vibrator in a communication device provided with two shafts, where the first shaft has mounted an eccentric body thereon to create a

Art Unit: 2612

vibrating effect while being turned, and where the second shaft has means for transferring the rotation of the shaft into a linear movement of the cover of the camera lens.

**Contact**

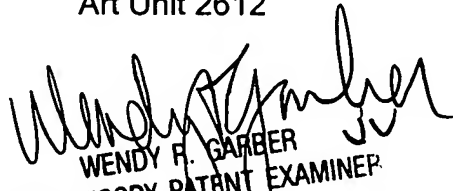
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez  
Examiner  
Art Unit 2612

NDHH  
December 23, 2004

  
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